

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 13, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TRANG T. HUYEN AGUIRRE,

Plaintiff,

v.

MIDLAND CREDIT
MANAGEMENT, INC.; RYAN
BELL; DANIEL NATHAN
GORDON; MATTHEW R.
AYLWORTH; and ELEANOR TAMI,

Defendants.

NO: 4:22-CV-5118-TOR

ORDER OF DISMISSAL

Federal Rule of Civil Procedure 4 provides that a summons and complaint must be served upon each defendant within 90 days of filing. Rule 4(m) also governs the procedure that a district court must follow in the event that service is not completed within 90 days:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be

1 made within a specified time. But if the plaintiff shows good cause for the
2 failure, the court must extend the time for service for an appropriate period.

3 Fed. R. Civ. P. 4(m).

4 Plaintiff filed a Complaint in this case on September 22, 2022. ECF No. 1.
5 Summons were issued but there was no further activity in this case. On January
6 27, 2023, the Court issued an Order for Plaintiff to show cause why this entire case
7 should not be dismissed for failure to properly serve defendants and otherwise
8 prosecute the case. ECF No. 5. Plaintiff did not respond, has given no explanation
9 as to why Defendants have not been properly served, nor has he asked for
10 additional time. Thus, no “good cause” has been shown to extend the time for
11 service.

12 **ACCORDINGLY, IT IS HEREBY ORDERED:**

13 All claims and causes of action in this matter are **DISMISSED** without
14 prejudice.

15 The District Court Executive is hereby directed to enter this Order and
16 Judgment accordingly, furnish copies to Plaintiff at his last known address, and
17 **CLOSE** the file.

18 DATED February 13, 2023.



A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge